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Supreme Court, U.S.
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IN THE

Supreme Court of the United States

October Term, 1970

No. ~~1010~~

MAROCEANO COMPANIA NAVIERA S.A., as Owner of S.T. PENTELIKON,

Respondent,

against

S.S. VERDI, her engines, etc., and ITALIA SOCIETA DI NAVIGAZIONE (ITALIAN LINE), as owner of S.S. VERDI,

Petitioner.

ITALIA SOCIETA DI NAVIGAZIONE (ITALIAN LINE),

Petitioner,

against

S.T. PENTELIKON, her engines, etc., and MAROCEANO, COMPANIA NAVIERA S.A.,

Respondent.

RESPONDENT'S SUPPLEMENTAL MEMORANDUM

NICHOLAS J. HEALY
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New York, New York 10006

IN THE

Supreme Court of the United States

October Term, 1970

No. 1816

MAROCEANO COMPANIA NAVIERA S.A., as Owner of S.T. PENTELIKON,

Respondent,

against

S.S. VERDI, her engines, etc., and ITALIA SOCIETA DI NAVIGAZIONE (ITALIAN LINE),

Petitioner.

ITALIA SOCIETA DI NAVIGAZIONE (ITALIAN LINE), as Owner of S.S. VERDI,

Petitioner,

against

S.T. PENTELIKON, her engines, etc., and MAROCEANO COMPANIA NAVIERA, S.A.,

Respondent.

RESPONDENT'S SUPPLEMENTAL MEMORANDUM

Petitioner's quotations from the testimony of the Master of the *Pentelikon,* Nicholas Hazapis, cover three and one-half pages of its Reply Memorandum. Captain Hazapis' testimony on examination before trial and as a witness at the trial covers some 296 pages of transcript. The distorted effect Petitioner's selection process creates is well-illustrated by the selection of the questions and answers in

the middle of Page 6 of the Reply Memorandum. The final answer "*Both*", which by its emphasis Petitioner appears to believe established that Captain Hazapis "*then* thought" the *Verdi* could no longer avoid collision by her actions alone, was followed by this question and answer:

> "Q. Before that time, at 0137 when you flashed the 'U' the first time, did you have in mind that the Verdi could stop or change course to avoid collision all by herself? A. If the Verdi in that time changed the course starboard, it was clear vessel, *and also the second time when I blow.*" (Verdi's Exhibit AG, Deposition of Nicholas Hazapis, Page 136. Emphasis Added).

Respectfully submitted,

NICHOLAS J. HEALY
Attorney for Respondent